

**APPENDIX 2-C**  
**NOTICE OF PREPARATION COMMENT LETTERS**

## MEMORANDUM

### Kortum Ranch Subdivision Public Comment Compilation

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Date: 2/2/2024

Prepared For: Kortum Ranch, LLC

Prepared By: Max Hilken

Attachments:

Appendix 1: Written Comments Received During the NOP Period

1. California Department of Transportation
2. California Department of Fish and Wildlife
3. Native American Heritage Commission
4. Public Comments
  - a. Letter From Resident 1
  - b. Letter From Resident 2
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## 1.0 KEY POINTS FROM AGENCY AND PUBLIC WRITTEN COMMENTS RECEIVED DURING THE NOP PERIOD

### 1.1 California Department of Transportation

Below is a summary of key points expressed by the California Department of Transportation. The full written comments are included as Appendix 1.1.

#### 1.1.1 Transportation Impact Study:

1. The TIS states that the anticipated trip generation for the project was estimated using the standard rates published by the Institute of Transportation Engineering (ITE) in Trip Generation Manual, 11th Edition, 2021, for "Single Family Detached Housing" (ITE LU 210). Please provide a copy of the trip generation calculation.
2. Include the description of SR-128 and SR-29 in the Transportation Setting under Study Roadway.
3. Provide a copy of the TIS for the Gateway Plaza Project, W-Trans February 2023, referred in the Study Area and Periods section.
4. Provide traffic data (turning movement counts/ volumes, etc.) for the intersection of SR-128 and SR-29.
5. Clarify if Terrance Drive will connect to SR-128. If so, please provide more information.
6. Provide traffic management plan for the Temporary Encroachment on SR-29.
7. Provide the Tentative Tract Map (TTM) sheet C3.3 depicting the SR-29 widening as it is not in the recently provided TTM.

#### 1.1.2 Hydrology

1. Any floodplain impacts must be documented and mitigated, please provide floodplain analysis report.

#### 1.1.3 Construction Related Impacts

1. Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed.

### 1.2 California Department of Fish and Wildlife

Below is a summary of key points expressed by the California Department of Fish and Wildlife. The full written comments are included as Appendix 1.2.

#### 1.2.1 Project description should include complete descriptions.

1. Land use changes result from rezoning certain areas.
2. Footprints of permanent features and temporarily affected areas.
3. Area and plans for proposed structures, ground-disturbing activities, fencing, landscaping, stormwater.
4. Operational features, including human presence, light, noise and traffic.

5. Construction schedule, activity, equipment, crew size.

### **1.2.2 CESA and Native Plant Protection**

1. Early consultation encouraged if Project will impact CESA listed species.
2. Incidental Take Permit (ITP) must be obtained if potential to result in a take.
3. Any project modifications and mitigation measures must be incorporated into the EIR's analysis, discussion, and MMRP.

### **1.2.3 Lake and Streambed Alteration**

1. LSA Notification is required for Project activities affecting lakes or streams and associated riparian habitat.
  - a. CDFW may not execute the final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency.

### **1.2.4 Environmental Setting**

1. Provide baseline habitat assessments for special-status plant, fish and wildlife species.
2. Describe aquatic habitats, such as wetlands or waters of the U.S. or state.
3. Identify special status species known or have potential to occur in or near site.
4. CDFW recommends surveys prior to implementation. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.
5. Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period within the Project area and adjacent habitats.

### **1.2.5 Impact Analysis and Mitigation Measures. Evaluate and discuss impacts:**

1. Land use change decreasing agriculture and open space and increasing residential.
2. Encroachments into riparian habitats, wetlands or other sensitive areas.
3. Potential for impacts to special-status species.
4. Loss or modification of habitat.
5. Permanent and temporary impacts associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence.
6. Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.
7. Identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts.
8. Discuss avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service.

## **1.3 Native American Heritage Commission**

Below is a summary of key points expressed by the Native American Heritage Commission. The full written comments are included as Appendix 1.3.

1. Notify and conduct consultation with Tribes.
2. Discussion of the following if impact significant:
  - a. Whether the project has a significant impact on an identified tribal cultural resource.

- b. Whether feasible alternative or mitigation measures avoid or substantially lessen impact.
3. Conclusion of consultation
  - a. Parties agree to measures to mitigate.
  - b. Party, after good faith and reasonable effort, concludes mutual agreement cannot be reached.
4. Mitigation measure
  - a. Incorporate mitigation measures agreed upon during consultation recommended for environmental document and MMRP, if determined to avoid or lessen impact.
  - b. If mitigation measures recommended by staff are not included, or there are no agreed upon mitigation measures at conclusion of consultation, or consultation does not occur, the lead agency shall consider feasible mitigations if there is substantial evidence demonstrating the project will cause a significant effect.

## 1.4 Public Comments

Below is a summary of key points raised by residents of Calistoga from written comments received during the NOP comment period for the Kortum Ranch Subdivision Project. The full written comments are included in Appendix 1.4 (a-o).

### 1.4.1 Resident 1

Requesting the City to not Approve project on the following:

1. Our watershed areas are important for us to build up our supplies close to home and from further storage areas. New housing projects can only be a draining impact to our already scarce, smelly, overpriced water resources.
2. No project should be allowed to go forward without ALL of the environmental impact reports expected for our advanced society. Noise, air, traffic are seriously impacting our lifestyles with each new (especially larger) project.
3. Calistoga is growing pretty fast spurred by the required labor forces of the new resorts. We need to put all needs on the table to solve the housing intricacies of our population. Police department for one does not have the human resources required to adequately monitor the growing citizenry.

### 1.4.2 Resident 2

Requests for a public meeting, concerns revolve around impacted traffic intersections.

### 1.4.3 Resident 3

Concerns/questions regarding construction and development plans and impacts to soil/hydrology

1. How does the city ensure that the development doesn't destabilize soils/hydrology for the hill/existing Kortum Canyon homes above the development?
2. The map in the presentation from Sept. 28 doesn't show any proposed residences as the previous version does. Are those residences already planned? Are they building those on spec or will they sell the lots and then customize the homes? The plan with homes on it doesn't show a house on lot 22. Do they intend to develop that? What are the setbacks for that lot? Are there special rules given the slope?
3. If the lots are custom, are they allowed to have pools?

4. Is there a common area or 'club house' that will be hosting Kortum Ranch events? If so, where will that be?
5. What is the approximate length of the project and what are the construction days/hours?

#### **1.4.4 Resident 4**

Requests for comprehensive environmental analysis including:

1. Air Quality
2. Noise
3. Transportation
4. Water Quality and Availability

#### **1.4.5 Resident 5**

Concerns related to upper residents of Kortum Canyon Road due to:

1. Large civil utility tie-ins of Storm, Sewer, Domestic Water
2. Cut and Fill operations on the Site and widening of Kortum Canyon Road
  - a. Concerns for safe access
3. Request for preliminary documents for access points to the project, trucking routes, staging areas, material laydown zones, and a preliminary construction timeline.

#### **1.4.6 Resident 6**

Raised concerns about how information about the project is being distributed (neighbors not notified about the project), concerns about road widths and traffic safety, past uses of the Site, utilities capacity concerns:

1. There are some 22 homes already established on Kortum Canyon Road with three vineyards that generate significant traffic. Many of the homes are 'vacation homes' and have three to four service personnel attending to their homes weekly. Many of us reside here year-round and use the road on a regular basis.
2. Navigation apps also direct people from Petrified Forest Road on to Kortum Canyon Road if there is a traffic problem. Many have never driven this narrow road before and pose significant hazards to those of us who reside here.
3. The entrance to this proposed development is nearly one-half mile from the intersection of Kortum Canyon Road and Highway 29. It consists of a hairpin curve to enter and exit onto a narrow part of Kortum Canyon Road with low visibility, posing a danger to all drivers.
4. John Busk was known to dig deep holes on that property and bury a variety of debris in them (trees, paint cans and any garbage he wanted to bury). Careful engineering must occur to guarantee the stability of the hillside as he created a very serious "debris flow" that went from his property onto Highway 29 some years ago.
5. Using city water and city sewer for this project, especially with an aging infrastructure, seems ill-considered. We are already in a water crisis with a water treatment plant over capacity and adding 23 more homes to this system seems foolhardy.
6. Having evacuated our property three times in the last six years, we expect you to ensure the safety of the existing residents (in 22 homes) during a mandatory evacuation, compounded by an additional 23 homes.

#### **1.4.7 Resident 7**

Concerns about traffic, housing availability/type, and the request for comprehensive environmental analysis.

1. Estimated traffic impact seems to be significant which could impact evacuation.
2. Request for lower-income and middle-income housing opportunities
3. States the study is suggesting waiving further environmental analysis.
4. Widening the road at the base of Kortum Canyon Road and losing 5-9 apartments should be deemed significant.

#### **1.4.8 Resident 8**

All projects of Kortums size should be subject to CEQA reviews including water quality, fire evacuation, and traffic. Concerns about future fire considerations.

#### **1.4.9 Resident 9**

Concerns expressed about the waiving of environmental analysis.

#### **1.4.10 Resident 10**

Requesting the project have an EIR performed to fully evaluate the impacts of the project.

#### **1.4.11 Resident 11**

Concerns about waiving further environmental analysis.

#### **1.4.12 Resident 12**

Asking for an explanation as to why there would be a potential waiver of air, water, circulation (etc.) concerns.

#### **1.4.13 Resident 13**

Concerns expressed about the potential impacts associated with future wildfire events and the current water issues (capacity/quality).

#### **1.4.14 Resident 14**

Looks like a great project, hopes there is a plan to clean up empty sites and cottages/barns as you enter town.

#### **1.4.15 Resident 15**

Expressed concerns regarding poor location for such a project, highlighting concerns of water and traffic.

## APPENDIX 1

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## **California Department of Transportation Comments**

## California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



October 16, 2023

SCH #: 2023090349  
GTS #: 04-NAP-2023-00327  
GTS ID: 30885  
Co/Rt/Pm: Napa/128/4.401

Jeff Mitchem, Planning & Building Director  
City of Calistoga  
1232 Washington Street  
Calistoga City, CA 94515

### **Re: Kortum Ranch Development Project –Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)**

Dear Jeff Mitchem:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Kortum Ranch Development Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2023 NOP.

#### **Project Understanding**

The proposed project would divide four existing parcels into 22 individual lots of single-family detached homes. This project site is located adjacent to State Route (SR)-128 and SR-29.

#### **Transportation Impact Study**

Caltrans has reviewed the Transportation Impact Study (TIS) and is requesting the following additional information to adequately evaluate the project's traffic impact on SR-128 and SR-29. All State highway facilities impacted should be studied in the TIS.

- The TIS states that the anticipated trip generation for the project was estimated using the standard rates published by the Institute of Transportation Engineering

(ITE) in *Trip Generation Manual*, 11<sup>th</sup> Edition, 2021, for “Single Family Detached Housing” (ITE LU 210). Please provide a copy of the trip generation calculation.

- Include the description of SR-128 and SR-29 in the Transportation Setting under Study Roadway.
- Provide a copy of the TIS for the Gateway Plaza Project, W-Trans February 2023, referred in the Study Area and Periods section.
- Provide traffic data (turning movement counts/ volumes, etc.) for the intersection of SR-128 and SR-29.
- Clarify if Terrance Drive will connect to SR-128. If so, please provide more information.
- Provide traffic management plan for the Temporary Encroachment on SR-29.
- Provide the Tentative Tract Map (TTM) sheet C3.3 depicting the SR-29 widening as it is not in the recently provided TTM.

Per the TIS, the City has long-range plans to improve operations at the intersection of Foothill Boulevard (SR-128)/Lincoln Avenue-Kortum Canyon Road by installing a traffic signal. Please provide the estimated time frame for this signal installation. The report assumed all project trips would be to/from SR-128. Please clarify if Westbound SR-128 at the Kortum Canyon Road intersection warrants a separate left turn pocket due to additional traffic volume before the signal installation by the City.

### **Hydrology**

Any floodplain impacts must be documented and mitigated, please provide floodplain analysis report. Any additional floodplain impacts on existing adjacent properties must be explained. Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels.

### **Construction-Related Impacts**

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

### **Lead Agency**

As the Lead Agency, City of Calistoga is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

### **Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

To obtain information about the most current encroachment permit process and to download the permit application, please visit Caltrans Encroachment Permits ([link](#)).

Jeff Mitchem, Planning & Building Director  
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Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner via [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov). For future early coordination opportunities or project referrals, please contact [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Luo Yunsheng". The signature is fluid and cursive, with the first name "Luo" being more prominent and the last name "Yunsheng" written in a more connected, flowing style.

YUNSHENG LUO  
Branch Chief, Local Development Review  
Office of Regional and Community Planning

c: State Clearinghouse

## **California Department of Fish and Wildlife Comments**



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

2825 Cordelia Road, Suite 100

Fairfield, CA 94534

(707) 428-2002

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**

**CHARLTON H. BONHAM, Director**



October 6, 2023

Jeff Mitchem

City of Calistoga

1232 Washington Street

Calistoga, CA 94515

[JMitchem@calistoga.org](mailto:JMitchem@calistoga.org)

Subject: Kortum Ranch Development Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2023090349, City of Calistoga, Napa County

Dear Mr. Mitchem:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the City of Calistoga (City) for the Kortum Ranch Development Project (Project).

CDFW is providing the City, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

## **CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

## **PROJECT DESCRIPTION AND LOCATION**

The proposed Project would include the subdivision of four existing parcels totaling approximately 29.46 acres into 22 individual lots containing 22 single-family detached homes and ancillary improvements to be developed with hillside-sensitive design. As proposed, lots range from 0.38 acres to 6.10 acres with an average lot size of 1.34 acres. Based on buildable site pads, residences would range from approximately 2,500 square feet to 4,500 square feet. The Project includes on-site road and utility

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improvements, construction of retaining walls and off-site improvements on Kortum Canyon Road between the Project site and the intersection at Foothill Boulevard.

The Project site is located at 500 Kortum Canyon Road, Calistoga, CA 94515, with a latitude of 38.574684°, and longitude of -122.584675°, on four parcels (Assessor's Parcel Numbers (APN) 011-290-007; -038; -039; and a remainder lot (formerly 011-310-023)). Areas south, east, and west of the Project site are primarily developed with rural residences that are characterized by their large, heavily wooded lots. Commercial uses along Foothill Boulevard are located north of the site.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Land use changes resulting from, for example, rezoning certain areas;
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features; and
- Construction schedule, activities, equipment, and crew sizes.

## REGULATORY REQUIREMENTS

### California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). If the Project will impact CESA listed species, such as those identified in **Attachment 1**, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP. CDFW's issuance of an ITP is subject to CEQA and to facilitate Permit

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issuance, any such project modifications and mitigation measures must be incorporated into the EIR's analysis, discussion, and mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

### **Lake and Streambed Alteration**

An LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq., is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland habitat; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW may not execute the final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

### **ENVIRONMENTAL SETTING**

The EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including, but not limited to, all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or state, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include but are not limited to, those listed in **Attachment 1**.

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Habitat descriptions and the potential for species occurrence included in the EIR should include robust information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, California Aquatic Resources Inventory, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Only with sufficient data and information from the habitat assessment, can the City adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at:

<https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>)<sup>1</sup>, must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrological conditions, and require the identification of reference populations. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at:

<https://www.wildlife.ca.gov/Conservation/Plants>.

## **IMPACT ANALYSIS AND MITIGATION MEASURES**

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;

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<sup>1</sup> California Rare Plant Rank (CRPR) 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features related directly to Project construction and indirectly through water supply impacts to stream resources resulting from Project implementation.

The EIR should also identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these Projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the direct, indirect, and cumulative impacts of the Project (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370). This should include a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.


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## FILING FEES

CDFW anticipates that the proposed Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary to defray the costs of CDFW's review under CEQA (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency.

If you have any questions, please contact Nikolas Storm, Environmental Scientist, at (707) 980-5172 or [Nikolas.Storm@wildlife.ca.gov](mailto:Nikolas.Storm@wildlife.ca.gov); or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
0D25EB6A0381473  
Erin Chappell  
Regional Manager  
Bay Delta Region

Attachment 1: Special-Status Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023090349)

Jeff Mitchem  
 City of Calistoga  
 October 6, 2023  
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### ATTACHMENT 1: Special-Status Species

| Species Name                                      | Common Name                                   | Status            |
|---|---|-------------------|
| <i>Lasthenia burkei</i>                           | Burke's goldfields                            | FE, SE, CRPR 1B.1 |
| <i>Astragalus claranus</i>                        | Clara Hunt's milk-vetch                       | FE, SE, CRPR 1B.1 |
| <i>Eryngium constancei</i>                        | Loch Lomond button-celery                     | FE, SE, CRPR 1B.1 |
| <i>Limnanthes vinculans</i>                       | Sebastopol meadowfoam                         | FE, SE, CRPR 1B.1 |
| <i>Navarretia leucocephala ssp. bakeri</i>        | Baker's navarretia                            | CRPR 1B.1         |
| <i>Lupinus sericatus</i>                          | Cobb Mountain lupine                          | CRPR 1B.2         |
| <i>Leptosiphon jepsonii</i>                       | Jepson's leptosiphon                          | CRPR 1B.2         |
| <i>Amorpha californica var. napensis</i>          | Napa false indigo                             | CRPR 1B.2         |
| <i>Brodiaea leptandra</i>                         | narrow-anthered brodiaea                      | CRPR 1B.2         |
| <i>Arctostaphylos stanfordiana ssp. decumbens</i> | Rincon Ridge manzanita                        | CRPR 1B.1         |
| <i>Ceanothus confusus</i>                         | Rincon Ridge ceanothus                        | CRPR 1B.1         |
| <i>Streptanthus brachiatus ssp. Brachiatus</i>    | Socrates Mine jewelflower                     | CRPR 1B.2         |
| <i>Rana draytonii</i>                             | California red-legged frog                    | FT, SSC           |
| <i>Rana boylei</i> pop. 1                         | foothill yellow-legged frog - north coast DPS | SSC               |
| <i>Taricha rivularis</i>                          | red-bellied newt                              | SSC               |
| <i>Emys marmorata</i>                             | western pond turtle                           | SSC               |
| <i>Corynorhinus townsendii</i>                    | Townsend's big-eared bat                      | SSC               |
| <i>Antrozous pallidus</i>                         | pallid bat                                    | SSC               |

Jeff Mitchem  
City of Calistoga  
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|  |                      |        |
|--|----------------------|--------|
| <b><i>Strix occidentalis caurina</i></b> | northern spotted owl | ST, FT |
|--|----------------------|--------|

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under the Endangered Species Act; ST = state listed as threatened under the California Endangered Species Act; SE = state listed as endangered under the California Endangered Species Act; SC = state candidate for listing as endangered under the California Endangered Species Act; SSC = State Species of Special Concern; SR = protected under the Native Plant Protection Act of 1977; CRPR = California Rare Plant Rank

## **Native American Heritage Commission Comments**



## NATIVE AMERICAN HERITAGE COMMISSION

September 25, 2023

Jeff Mitchem  
City of Calistoga Planning and Building Department  
1232 Washington Street  
Calistoga, CA 94515

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

**Re: 2023090349, Kortum Ranch Development Project, Napa County**

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

Dear Mr. Mitchem:

SECRETARY  
**Sara Dutschke**  
Miwok

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

PARLIAMENTARIAN  
**Wayne Nelson**  
Luiseño

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Laurena Bolden**  
Serrano

COMMISSIONER  
**Reid Milanovich**  
Cahuilla

COMMISSIONER  
**Vacant**

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok, Nisenan

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cameron.Vela@nahc.ca.gov](mailto:Cameron.Vela@nahc.ca.gov).

Sincerely,

*Cameron Vela*

Cameron Vela  
Cultural Resources Analyst

cc: State Clearinghouse

## **Letter From Resident 1**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** 500 Kortum Canyon Road Housing Development Project  
**Date:** Monday, October 16, 2023 2:15:03 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Clark,

After thinking about this new building project in Calistoga environs, I am requesting that the city NOT approve this project for our town.

For me, there are 3 Reasons:

1. Our watershed areas are important for us to build up our supplies close to home and from further storage areas. New housing projects can only be a draining impact to our already scarce, smelly, overpriced water resources.
2. No project should be allowed to go forward without ALL of the environmental impact reports expected for our advanced society. Noise, air, traffic are seriously impacting our lifestyles with each new (especially larger) project.
3. Calistoga is growing pretty fast spurred by the required labor forces of the new resorts. We need to put all needs on the table to solve the housing intricacies of our population. Police department for one does not have the human resources required to adequately monitor the growing citizenry.

Thanks for giving me a chance to provide feedback.

Sincerely

[REDACTED]

## **Letter From Resident 2**

**From:** [REDACTED]  
**To:** [Planning & Building](#)  
**Subject:** for Lauren Clark  
**Date:** Wednesday, October 4, 2023 6:51:17 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello ,

I just started reading about KORTUM proposed project. It is quite large and I feel it mandates a public meeting that is well advertised so that citizens are aware of it and how it might impact our town.

It seems like quite a few homes so near to an already extremely heavily impacted intersection. I have not gotten to the traffic study ,but since it is already a failed intersection they probably say it is no problem.

Please hold a well advertised public informational meeting on this project. It seems that it would be the right thing to do so that everyone is informed and has time to study it before the Planning Commission regular public meeting.

Thank you,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## **Letter From Resident 3**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Comments/Questions on Kortum Ranch Development  
**Date:** Saturday, October 14, 2023 8:03:21 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lauren. Following are some questions we have regarding the development.

1. How does the city ensure that the development doesn't destabilize soils/hydrology for the hill/existing Kortum Canyon homes above the development?
2. The map in the presentation from Sept. 28 doesn't show any proposed residences as the previous version does. Are those residences already planned? Are they building those on spec or will they sell the lots and then customize the homes? The plan with homes on it doesn't show a house on lot 22. Do they intend to develop that? What are the setbacks for that lot? Are there special rules given the slope?
3. If the lots are custom, are they allowed to have pools?
4. Is there a common area or 'club house' that will be hosting Kortum Ranch events? If so, where will that be?
5. What is the approximate length of the project and what are the construction days/hours?

Thank you,

[REDACTED]

## **Letter From Resident 4**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Kortum Canyon development  
**Date:** Wednesday, October 11, 2023 2:22:51 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Clark,

I am not opposed to new housing anywhere in Calistoga, including Kortum Canyon Road. However, when I think about new construction on that road, the first things that come to mind are the impacts on air quality, noise, transportation, and water quality and availability. I do think that environmental analysis of these issues is important, and I ask that you deny any waiver for analysis of these topics. Thank you for your consideration.

Sincerely,

[REDACTED]

## **Letter From Resident 5**

**From:** [REDACTED]  
**To:** [Lauren Clark](#); [REDACTED]  
**Subject:** Kortum Ranch questions comments  
**Date:** Wednesday, October 18, 2023 12:10:57 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lauren Clark.

My Name is [REDACTED] at [REDACTED].

First of all, I am pro development of the Kortum Ranch Project. I do have a few questions most of which should be easily answered. I have quite a bite of construction management history so please do not take any of these questions in a negative way.

1. With the large civil utility tie-ins of Storm, Sewer, Domestic Water occurring on Kortum Canyon Rd., what measures are anticipated to ensure safe access to the upper residents of Kortum Canyon Road?
2. The current Documents would suggest a large civil cut and fill operations of the property site and widening of Kortum Canyon Road. what measures are anticipated to ensure safe access to the upper residents of Kortum Canyon Road?
3. Large Civil operations as what has been presented generally would have preliminary logistic plans that would consist of Access points to the project, trucking routes, staging areas, material laydown zones, accompanied with a preliminary Constuction timeline. Please provide Preliminary Documents

Please note as I am sure you are aware. Kortum Canyon road is one way in and one way out with respect to Napa County Residence. The Project development team must take special attention to any concerns that may arise to the residence of upper Kortum Canyon Road for the duration of the project.

Please call me if you have any questions. [REDACTED]

[REDACTED]

[REDACTED]

## **Letter From Resident 6**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** 500 Kortum Canyon Road  
**Date:** Thursday, October 12, 2023 11:04:29 AM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Clark,

This project was brought to our attention by a friend and it seems that many of our neighbors on Kortum Canyon Road are also unaware of this project. Regardless, we do have some serious concerns about this project as proposed.

1. There are some 22 homes already established on Kortum Canyon Road with three vineyards that generate significant traffic. Many of the homes are "vacation homes" and have three to four service personnel attending to their homes weekly. Many of us reside here year round and use the road on a regular basis.
2. Navigation apps also direct people from Petrified Forest Road on to Kortum Canyon Road if there is a traffic problem. Many have never driven this narrow road before and pose significant hazards to those of us who reside here.
3. The entrance to this proposed development is nearly one-half mile from the intersection of Kortum Canyon Road and Highway 29. It consists of a hairpin curve to enter and exit onto a narrow part of Kortum Canyon Road with low visibility, posing a danger to all drivers.
4. John Busk was known to dig deep holes on that property and bury a variety of debris in them (trees, paint cans and any garbage he wanted to bury). Careful engineering must occur to guarantee the stability of the hillside as he created a very serious "debris flow" that went from his property onto Highway 29 some years ago.
5. Using city water and city sewer for this project, especially with an aging infrastructure, seems ill-considered. We are already in a water crisis with a water treatment plant over capacity, and adding 23 more homes to this system seems foolhardy.
6. Having evacuated our property three times in the last six years, we expect you to ensure the safety of the existing residents (in 22 homes) during a mandatory evacuation, compounded by an additional 23 homes.

Sincerely,

[REDACTED]

## **Letter From Resident 7**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Kortum Canyon Road Project  
**Date:** Tuesday, October 17, 2023 4:45:03 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Lauren Clark and members of the Planning Commission,

I'm writing in response to the proposed development on Kortum Canyon Road. This proposal raises a number of concerns.

First, the estimated traffic impact on both Kortum Canyon Road and Foothill Blvd. is significant. It would create further delays during high-traffic times, which would particularly be a concern in an emergency, if evacuation was required.

But more than that, if it leads any traffic to head further up Kortum Canyon Road, through the hills towards Sharp Road, that creates significant dangers. That part of the road is basically a one-lane road with no places to turn around, and steep drop-offs. I know it used to be a spot where quite a few locals would go for walks (I don't know if that's still the case) — and there's definitely not room on the road for both walkers and one car of any size. Adding to these potential dangers would be asking for trouble.

Second, this is not the kind of housing we need here in Calistoga — housing for lower-income and middle-income workers.

Third, this study suggests waiving further environmental analysis. Are they kidding? I'm guessing they don't want to spend money on analyses that would support disapproval of the proposal.

Fourth, widening the road at the base of Kortum Canyon Road, and losing 5-9 apartments is being deemed insignificant. I'd like to state otherwise. Where are those residents to go? The kind of housing they have there now is needed much more for residents of and workers in Calistoga than what this proposal would replace it with.

Sincerely yours,

[REDACTED]

P.S. I hope I'm getting this to you in time for its consideration!

[REDACTED]

## **Letter From Resident 8**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Kortum Ranch Development Initial Study  
**Date:** Saturday, October 7, 2023 10:48:03 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All projects of Kortum's size should be subject to CEQA reviews. Water quality and fire evacuation issues for traffic are obvious standouts.

Our city water quality is in such a state advisory notices need to be sent out. Secondly, the 2020 fire should be fresh enough in our minds to realize how difficult existing the city was in such a short period of time when all of our lives were at risk due to the fire that caused a city wide evacuation for over a week.

## **Letter From Resident 9**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Cc:** [REDACTED]  
**Subject:** Kortum Ranch Project  
**Date:** Saturday, October 7, 2023 10:14:30 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission,

Re Kortum Ranch Project

My family and I are long term (30 year) full time residents of the City of Calistoga.

As a matter of principle no development, commercial or residential, should be allowed to waive any environmental analysis of proposed developments. All of these environmental concerns (air and water quality, noise, transportation, etc) directly affect all residents of the City of Calistoga. All aspects of any development will potentially affect current residents of the City. It is the duty of the Planning Commission to protect our quality of life in Calistoga. Many of our residents and elected/appointed bodies have worked very diligently over many years to maintain Calistoga as the town we are all proud to be residents.

Please continue that work!

Sent from my iPad

[REDACTED]  
Calistoga, California

## **Letter From Resident 10**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** EIR's  
**Date:** Saturday, October 7, 2023 10:09:11 AM

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I used to work for Jack Meade Engineering, Civil Engineer in Napa. We did a number of EIR's for the City of St. Helena. Jack's expertise was mostly in traffic studies. I was a Senior Cartographer, draftsman, and with a degree in Biology I handled riparian habitats and wildlife. I once worked for the Los Angeles Road Department doing traffic studies for their Future Projects Department. It was my idea to put the center turn lane on Main Street in St. Helena to help alleviate the huge backup of traffic after our traffic studies. I'm a big believer in CEQA and EIR's. The developer pays for the study not the city. Please encourage an EIR for such a large and impactful project.

[REDACTED]  
Retired General Building Contractor  
Senior Cartographer with CDF and CSAA  
Environmental Researcher

Sent from my iPhone

## **Letter From Resident 11**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** 500 Kortum Canyon Road  
**Date:** Saturday, October 7, 2023 12:39:15 PM

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Thanks, for keeping us informed and continuing to reinforce why I voted for you. I've looked at the Initial Study and trust your judgement and that of the city council. However, I can see little downside to waiving further environmental analysis.

Respectfully,

[REDACTED]

## **Letter From Resident 12**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Kortum Canyon  
**Date:** Wednesday, October 11, 2023 2:19:02 PM

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Please explain why there is a potential waiver of air, water, circulation (etc.) concerns. I don't get it. Way too much development around our once-sleepy little town as it is.

[REDACTED]

Sent from my iPhone

## **Letter From Resident 13**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** Fwd: Kortum canyon development  
**Date:** Sunday, October 8, 2023 11:20:35 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Subject: Kortum canyon development**

NO!! when is enough, enough? We're having too many developments. We don't have the infrastructure to support them. It only takes one more BIG FIRE, and you know we'll have another. Evacuation will be a nightmare. Too many people. Too many cars.

Oh.... Let's not forget the WATER issue. PLEASE , DO NOT ALLOW THIS DEVELOPMENT TO COME TO FRUITION.

I'm very concerned about the future of our town. We're going in the wrong direction.

Sincerely, [REDACTED], resident for over 30 years.

Sent from my iPad

## **Letter From Resident 14**

**From:** [REDACTED]  
**To:** [Lauren Clark](#)  
**Subject:** 500 Kortum  
**Date:** Saturday, October 7, 2023 8:45:54 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This looks like a great project and hopefully there is a plan to clean up the empty site and cottages/barn as you enter town. It has been an eyesore for far too long.

## **Letter From Resident 15**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Kortum canyon project  
**Date:** Wednesday, October 18, 2023 7:56:54 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I feel incredibly concerned about the unsuitability of Kortum Canyon for such a big project . In addition to the poor location the obvious concerns of water & traffic hardly need to be stated. It's hard for me to believe that a project like this can actually be considered when we cannot even turn left off Diamond Mtn Rd to get to town half the time on the weekends

[REDACTED]